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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ALLIANCE FOR OPEN SOCIETY INTERNATIONAL, :
INC., OPEN SOCIETY INSTITUTE, and PATHFINDER :
INTERNATIONAL, :

Plaintiffs, :

v. :

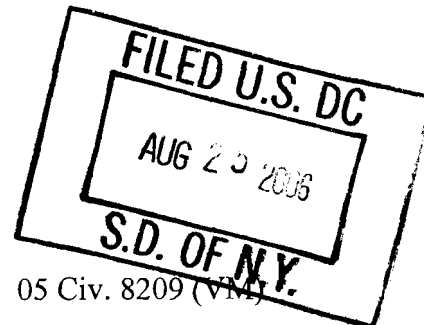
UNITED STATES AGENCY FOR INTERNATIONAL :
DEVELOPMENT and AMBASSADOR RANDALL :
TOBIAS, in his Official Capacity as Administrator :
of the United States Agency for International :
Development, and his successors; :

UNITED STATES DEPARTMENT OF HEALTH AND :
HUMAN SERVICES and MICHAEL O. LEAVITT, in his :
official capacity as Secretary of the U.S. Department of :
Health and Human Services, and his successors; and :

UNITED STATES CENTERS FOR DISEASE :
CONTROL AND PREVENTION and JULIE LOUISE :
GERBERDING, in her official capacity :
as Director of the U.S. Centers for :
Disease Control and Prevention, and her successors, :

Defendants. :
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COPY




NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that defendants United States Agency for International Development and Ambassador Randall Tobias¹, in his official capacity as its Administrator; United States Department of Health and Human Services and Michael O. Leavitt, in his official capacity as its Secretary; and United States Centers for Disease Control and Prevention and Julie Louise Gerberding in her official capacity as its Director, by their attorney Michael J. Garcia, United States Attorney for the Southern District of New York, appeal to the United States Court of Appeals for the Second Circuit from the Preliminary Injunction Order, dated June 26, 2006, which was entered on the docket on June 30, 2006, in the above-captioned action.

Dated: New York, New York
August 25, 2006

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:



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¹ Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Ambassador Randall Tobias, the current Administrator of the United States Agency for International Development, is automatically substituted for former Administrator Andrew Natsios.

TO: Clerk of Court
United States Court of Appeals
for the Second Circuit
United States Courthouse
Foley Square
New York, New York 10007
BY HAND

Rebekah Ruth Diller
Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
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Attorney for Plaintiffs
BY FEDERAL EXPRESS AND REGULAR MAIL